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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,731	08/18/2003	Jodi Rascoe	6688P001	8191

8791 7590 03/20/2006

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EXAMINER
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WELCH, GARY L

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/645,731	<b>Applicant(s)</b> RASCOE, JODI	
	<b>Examiner</b> Gary L. Welch	<b>Art Unit</b> 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 44-106 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 55-62 and 68-106 is/are allowed.
- 6) ☒ Claim(s) 44, 45, 51-54, 63 and 64 is/are rejected.
- 7) ☒ Claim(s) 46-50 and 65-67 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>01112006, 02162006</u> | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This communication is in response to the Request for Continued Examination filed on 11 January 2006. Claims 44-106 are currently pending.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 44, 45, 51-54, 63 and 64 are rejected under 35 U.S.C. 102(b) as being anticipated by Legette (U.S. 5,456,271).

Legette discloses an apparatus 10 having a circular rod 18 with a hooked portion 20 disposed within a body 14 and a bead stop 38 coupled to the body 14. The hooked portion 20 is adapted to string filamentous material 12 through at least one bead 16 having a thru-hole. The recitation "is forced off said rod via said bead stop" is purely functional and does not offer any structure that further limits the apparatus claim nor any structure that defines over the prior art.

With regard to claim 45, a handle 13 is coupled to the body portion 14 via brackets (28, 30).

With regard to claim 51, the circular rod 18 receives a plurality of beads 16 (Figure 2) thereby enabling the beads 16 to be quickly loaded in place.

With regard to claim 52, the rod 18 is stationary except when the trigger 24 is actuated. The bead stop 38 is moveable since it threadably engages shank 36.

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With regard to claim 53, the bead stop 38 is stationary and the rod 18 is moveable when the trigger 24 is actuated.

With regard to claim 54, the bead stop 38 and the rod 18 are both moveable.

With regard to claim 63, Legette discloses a rod 18 having an end portion and a hooked portion 20. The end portion and the hooked portion are at opposite ends of the rod 18. A support 42 is coupled to the rod and has a plurality of guides 45.

A spring 44 is coupled to the rod 18 wherein the rod has a bent portion to keep the spring in place between the bent portion and one of the plurality of guides 45.

With regard to claim 64, a trigger 24 is coupled to a spring 44 so as to compress the spring to move the rod 18.

#### ***Allowable Subject Matter***

4. Claims 55-62 and 68-106 are allowed.
5. Claims 46-50 and 65-67 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

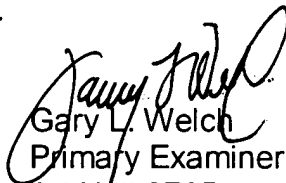
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Turner et al. '736 and Kennedy '864 disclose various devices for decorating a person's hair.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Welch whose telephone number is (571) 272-4996. The examiner can normally be reached on Mon-Fri 5:30-3:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gary L. Welch  
Primary Examiner  
Art Unit 3765

glw